

SAN LUIS OBISPO SUPERIOR COURT  
CHANGES TO THE RULES OF COURT EFFECTIVE 7/1/02

Effective July 1, 2002, the San Luis Obispo local rules will be revised. The following revisions are those of general interest. There are additional internal rule changes. See the San Luis Obispo website for the full text at [www.slocourts.net](http://www.slocourts.net).

Note: the State rules will change to renumber **all** of the family law forms; also the complete revision of the civil case management rules has driven many of the local changes. See the Judicial Council website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

The language of the San Luis Obispo Rules of Court will be modified throughout to be consistent with the Judicial Council's policy favoring the use of plain language substituting the use of "must" rather than "shall".

**RULE 3.01**

**ASSIGNMENT OF CASES**

~~Each case must upon filing be assigned in accordance with Rules 205 through 208 of the California Rules of Court and these Rules of Court.~~  
(Repealed Effective 7/1/2002)

**COURT CALENDARS**

**~~(a) General Calendar~~**

~~The business of the court as distributed pursuant to these rules must be in accordance with a "general calendar" to be issued by the presiding judge stating the hours, days and places for the hearing of particular matters and any special requirements relating thereto. Copies of the calendar must be maintained by the Clerk of the Court for distribution to attorneys.~~  
(Repealed Effective 7/1/2002)

**~~(a) (b) Daily Calendar~~**

The Clerk of the Court must post a daily civil court calendar at convenient locations at the beginning of each court day.

**~~(b) (c) Civil and Family Law and Motion Calendars~~**

The civil law and motion calendar must include but not be limited to orders to show cause, defaults, demurrers, discovery motions, motions on notice, matters involving receiverships, injunctions, supplemental proceedings and other matters which may be assigned. The family law and motion calendar must include domestic relations matters, custody, support, domestic violence, and all other related matters. Matters which, in the opinion of the court, cannot be accommodated on the law and motion calendar because of time constraints must be placed on the short cause calendar at the discretion of the court.

**~~(c) (d) Special Settings~~**

A judicial officer who presides over a calendar that is set for a specific time may set a calendar matter before himself or herself, or before another judicial officer, at such other time as may be set aside by the assigning judicial officer, or to the special set calendar of any other judicial officer. The court clerk must prepare and maintain a calendar of all such special settings. (Amended Effective 7/1/2001)

**RULE 4.00**

**ORGANIZATION**

Pleadings, documents, declarations and other papers, must comply with California Rules of Court. (Eff. 1/1/1998) *The latest version of applicable printed forms of petitions, orders and other documents approved by the Judicial Council must be used in all cases, unless otherwise permitted or directed by the court. If a form is inadequate for a given circumstance, an addendum may be attached to the form. When no applicable form has been so approved, counsel should draft their own documents.*

**CHAPTER 8  
MANDATORY CIVIL SETTLEMENT CONFERENCES**

(Repealed effective 7/1/2002)

## RULE 9.01

### CASE EXEMPT FROM CIVIL CASE MANAGEMENT

These rules shall not apply to *proceedings as defined in CRC 207(b). family law proceedings, uniform child custody or support proceedings, probate, guardianship and conservatorship proceedings, writs, small claims cases, possession issues in unlawful detainer cases (all other issues are subject to case management) and criminal cases.* (Eff. 7/1/00)

## RULE 9.02

### UNINSURED MOTORIST CASES

**B. Resolution Required Within One Year:** In any case designated as an Uninsured Motorist case, the plaintiff and the plaintiff's insurer must settle or arbitrate the dispute ~~within 12 months~~. The case must be calendared for an OSC re Dismissal ~~in the 12th month after the complaint was filed~~. *180 days after the designation.*

## RULE 9.07

### MEDIATION

**C.** The mediation or early settlement conference must be concluded within the time set by the court at the first ~~Status/ADR Assessment Conference~~. *Case Management Conference*

## RULE 9.09

### SETTLEMENTS

~~(A) It is the duty of counsel to inform the court of any case that has been settled.~~  
~~(B) Conditional Settlements: A Notice of Conditional Settlement must be filed and must specify the date dismissal is to be filed.~~  
~~(C) Unconditional Settlements: If the parties notify the court that a matter has been unconditionally settled, or if the case is settled orally on the record before the court, the court will vacate any hearing dates, vacate the trial date and mandatory settlement conference date and order the matter dismissed on a date certain unless a motion is filed to amend or vacate the order. The court will order the parties to comply with the executory provisions of the settlement and reserve personal and subject matter jurisdiction pursuant to Code of Civil Procedure section 664.6 to supervise and enforce the settlement.~~  
(Repealed 7/1/2002)

~~(A) (D) Binding Arbitration:~~ When the parties stipulate to binding arbitration, the case must be dismissed. The court will reserve personal and subject matter jurisdiction to enforce the terms of the arbitration agreement and to enter a judgment confirming the arbitration award. (Amended Effective 7/1/2001)

## RULE 9.11

### FORMS TO BE ISSUED BY THE CLERK WHEN THE COMPLAINT IS FILED

**A.** The Clerk must provide the following forms to the plaintiff when the complaint or initial pleading is filed:

1. Civil Case Management Policy Statement
2. ~~Notice of First Status/ADR Assessment Conference~~ *Case Management Conference*
3. ~~Status/ADR Assessment Conference Questionnaire~~ *Case Management Statement*
4. ADR Policy Statement

**B.** The clerk must assign the case to a judge for all purposes and must calendar a ~~Status/ADR Assessment Conference/Trial Setting~~ *Case Management Conference* approximately 140 days later. (Eff. 7/1/00)

## RULE 9.12

### SERVICE OF SUMMONS AND COMPLAINT

**A.** The plaintiff must serve the Summons and Complaint on all defendants within ~~50~~ 60 days. The following documents must be attached to the complaint or served at the same time the complaint is served:

1. Civil Case Management Policy Statement;
2. Notice of ~~First Status/ADR Assessment/Trial Setting~~ *Case Management Conference*;
3. A blank ~~Status/ADR Assessment Conference Questionnaire~~; *Case Management Statement*; and

4. The court's ADR Policy Statement.
- B.** A Proof of Service must be filed with the court within ten days after the complaint is served on any defendant unless a responsive pleading has been filed.
- C.** The following documents must be attached to and served with any cross complaint that names new parties:
1. Civil Case Management Policy Statement;
  2. Notice of ~~First Status/ADR Assessment/Trial Setting~~ Case Management Conference;
  3. A blank ~~Status/ADR Assessment Conference Questionnaire~~ Case Management Statement; and
  4. ADR Policy Statement. (Eff. 7/1/00)

#### **RULE 9.13**

##### **CASES TRANSFERRED FROM OTHER JURISDICTIONS**

**A.** Upon receipt of the file, the Clerk must assign the case to a judge for all purposes and must provide the plaintiff with a copy of the court's Civil Case Management Policy Statement, a Notice of ~~First Status/ADR Assessment/Trial Setting~~ Case Management Conference, a ~~Status/ADR Assessment Conference Questionnaire~~ Case Management Statement, and the court's ADR Policy Statement.

**B.** Upon receipt of the documents listed in 9.13A, the plaintiff must serve a copy of each document upon each other party to the action. Plaintiff must file a certificate that the documents were served on each defendant within 10 days of receipt of the documents from the clerk.

**C.** If the case was transferred from another jurisdiction, a ~~Status/ADR Assessment/Trial Setting Conference~~ Case Management Conference will be set within 45 days from the filing of the action in this court. (Eff. 7/1/00)

#### **RULE 9.15**

##### **STATUS/ADR ASSESSMENT/TRIAL SETTING CONFERENCE**

**A.** The parties must confer in regard to case management issues no later than 30 days prior to the ~~Status/ADR Assessment/Trial Setting~~ Case Management Conference (CRC 212, 512).

**B.** Each party must file and serve a completed ~~Status/ADR Assessment Conference Questionnaire~~ Case Management Statement ~~five fifteen court~~ days before the ~~first Status/ADR Assessment/Trial Setting Conference~~. If the questionnaire is filed less than ~~five fifteen court~~ days before the conference, a sanction will be imposed (CRC 212, 512).

#### **RULE 10.16**

##### **APPLICATION FOR WRIT OF HABEAS CORPUS OR CORAM NOBIS**

An application for writ of habeas corpus, coram nobis, mandamus or prohibition in a criminal proceeding must be presented to the supervising felony judge *except petitions for writs of mandamus, prohibition, or review (certiorari) in a case charging a misdemeanor or infraction must be addressed to the Appellate Division of the court pursuant to Rule 14.05.* (Eff. 1/1/1998)

#### **RULE 11.306**

##### **BOND**

(e) When a reduction of bond proceeding is initiated, counsel must obtain a proof of deposit confirming the deposit of securities and/or money subject to removal from the depository only upon order of the Court. Such proof must be filed with the Clerk before the reduced bond is filed. ~~Local Form "Receipt of Depository" meets the Court's requirement and is available at the Clerk's office. (Eff. 7/1/00)~~ Judicial Council forms: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

#### **RULE 11.308**

##### **PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR**

(a) A petition for appointment of a special administrator may be granted by the Court upon application made pursuant to the Provisions of Probate Code Sec. 8540 et seq. In an emergency, Letters of Special Administration may be granted, ex parte, upon notifying all interested parties no later than 10:00 a.m. the court day before the ex parte appearance. The petitioner must contact the ~~Court's Secretary for an appointment~~ Superior Court to set a hearing with the Probate Judge. Ex parte applications must be made in compliance with California Rules of Court 379(b).

## **RULE 11.811**

### **BOND ON SALE OF REAL PROPERTY**

b) If the sale proceeds are to be deposited in whole or part into a blocked account, the details must be set forth in the petition for confirmation of sale. ~~Local Court Form "Receipt of Depository" is available at the Clerk's office, and upon filing, meets the Court's requirement that the funds have been received by the depository and may be withdrawn only upon Court order.~~ Judicial Council Forms: MC-355, Order to Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Or Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

## **RULE 11.1702**

### **LETTERS OF CONSERVATORSHIP**

(a) Letters of Conservatorship will not be issued by the Clerk until there has been filed (1) a completed "Duties of Conservator" form, and (2) proof of purchase of a copy of the Handbook for Conservators, published by the Judicial Council of California, and if required, (3) proof of blocked accounts or filing of a bond. ~~Local Court Form "Receipt of Depository" is available at the Clerk's office, and upon filing, meets the Court's requirement that the funds have been received by the depository and may be withdrawn only upon Court order.~~ Judicial Council Forms: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

## **RULE 11.1801**

### **PRIVATE PROFESSIONAL CONSERVATOR/GUARDIAN**

(d) All private professional conservators and/or guardians must be in full compliance with the Department of Justice Statewide Registry. Probate Code Sec. 2850.

## **RULE 11.1804**

### **BOND/BLOCKED ACCOUNT**

(b) The guardian or conservator may elect to place all or a portion of estate assets into a blocked account which would require prior Court approval to access such funds in lieu of, or, to reduce the bond amount. Probate Code Sec. 2328. ~~Local Court form "Receipt of Depository" is available at the Clerk's office, and upon filing, meets the Court's requirement that the funds have been received by the depository and may be withdrawn only upon Court order.~~ Judicial Council form: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's office or can be found on the California Courts website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

## **RULE 11.1901**

### **DISPOSITION OF MINOR'S FUNDS**

(c) Where the minor's funds are to be deposited into a blocked account, the order must provide that the person holding funds must distribute the ordered amount of fees and costs, if any, directly to the person(s) entitled thereto and disburse the balance to the selected depository, whose name and address must be specified. A hearing will be calendared in court to ensure compliance with the Court order and a personal appearance is mandatory if a receipt of deposit has not been filed. ~~"Order to Deposit" and "Receipt of Depository" are local forms available at the Clerk's office. These local forms, upon filing, meet the Court's requirement that the funds have been received by the depository and may be withdrawn only upon Court order.~~ Judicial Council Forms: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

## **RULE 11.1902**

### **REQUEST FOR WITHDRAWAL OF FUNDS IN BLOCKED ACCOUNT**

(d) Judicial Council Form MC-357, Order For Withdrawal Of Funds From Blocked Account is available at the Clerk's Office or can be found on the California Courts website and must be presented in accordance with Local Court Rule 11.501.

## **RULE 11.2001**

### **SETTLEMENT OF MINOR'S CLAIM**

~~(d) Except for good cause shown, attorney's fees in such instances must not exceed 25% of the net proceeds of the minor's compromise. In case of an annuity, fees must be calculated on the cost of the annuity.~~

## **RULE 11.2003**

## **DISTRIBUTION**

(b) If the settlement order provides for a deposit in a blocked account in lieu of appointment of a guardian, the Court must continue the matter on calendar for filed verification of compliance. A personal appearance is mandatory if proof of deposit is not on file. ~~"Order to Deposit" and "Receipt of Depository" are local court forms available at the Clerk's office. These local forms, upon filing, meet the Court's requirement that the funds have been received by the depository and may be withdrawn only upon Court order.~~ Judicial Council forms: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

## **RULE 14.05**

### **WRIT JURISDICTION**

~~(b) Petitions for writ of habeas corpus that are filed in conjunction with an appeal pending in the Appellate Division must be heard by one judge, assigned by the presiding judge. If an evidentiary hearing is granted for a writ of habeas corpus, the Presiding Judge of the Appellate Division, upon the request of the assigned judge, may transfer the matter to a trial court for hearing and findings of fact as directed by the transfer order. (Adopted Effective 7/1/2001)~~

(Repealed Eff. 1/7/2002)

## **RULE 16.02**

### **JUROR SELECTION**

(c) Random Selection of Prospective Jurors

~~The plan for random selection must be designed by the Department of Technical Services of San Luis Obispo County, with the approval of the Jury Commissioner, to ensure that a fair cross section of the eligible persons residing in San Luis Obispo County are selected and that random key numbers are generated and assigned for each prospective juror. Sections 219 and 222. (Eff. 1/1/1998) The plan for random selection must be designed by Jury Systems Incorporated (JSI), the Jury Management System contracted with the San Luis Obispo Superior Court, upon the approval of the Jury Commissioner, to ensure that a fair cross section of the eligible persons residing in San Luis Obispo County are selected and that random key numbers are generated and assigned for each prospective juror. Sections 219 and 222~~

## **RULE 18.02**

### **ELECTRONIC RECORDING OF COURT PROCEEDINGS**

When a court reporter is not present, court proceedings may be electronically recorded by court personnel in cases involving misdemeanors, limited jurisdiction civil and selected unlimited civil cases.

## **RULE 27.01**

### **JURY INSTRUCTIONS**

~~(c) Time for Delivery of Proposed Instructions to Court~~

~~At the time a civil case is assigned out of master calendar for trial, counsel for the respective parties must exchange with opposing counsel and must deliver to the clerk in the master calendar department the proposed jury instructions prepared as provided in Rule 27.01(d). No file must be forwarded to a trial department for trial without the appropriate proposed jury instructions being included. (Repealed Eff. 7/1/2002)~~

~~(e) Time for Delivery of Proposed Instructions to Court~~

~~Jury instructions requested by a party must be filed two court days before the date scheduled for trial. See Rule 27.02.~~